

PLANNING BOARD MEETING – October 12, 2016

PRESENT: Mark Pease, Chairman; Douglas Dooley; Philip Greene; George Nangle; Elizabeth Ware, Community Development Director; Edward Patenaude, Public Works Director; Mark Hamel, Town Engineer and Lisa Wagner, Recording Secretary

ABSENT: Robert Donnelly, Vice Chairman

Chairman Pease opened the meeting at 7:00 p.m. in the Conference Room at Town Hall and the Pledge of Allegiance was recited. Chairman Pease welcomed Mr. Dooley as the Board's recently appointed member and is pleased to have him aboard.

MINUTES:

Meeting held on September 28, 2016: Mr. Greene motioned to approve. Mr. Nangle seconded. Motion passed unanimously. Mr. Dooley abstained.

845 & 855 HILDRETH STREET/SOUTHERN END REALTY/DEFINITIVE SUBDIVISION/PUBLIC HEARING (CON'T):

Chairman Pease informed the applicant that there are only 3 members eligible to act on this proposed subdivision. Mr. Dooley relinquished his seat on the Board due to a conflict.

Attorney Michael Fadden indicated a staff meeting was held last week and the plans were revised to address many of the comments. An easement agreement was prepared for the area adjacent to the Highway Department and submitted to Town Counsel for consideration; however; Attorney Fadden stated in speaking with Mr. Patenaude and Mr. Hamel, the easement is not essential to the functioning of the Town's barn. The easement will be eliminated from the plan, which will enhance Lot #3. Attorney Fadden requested to continue this hearing in order to have 4 members present to vote on this project.

Mr. Greene motioned to continue this hearing to the October 26th meeting. Mr. Nangle seconded. Motioned passed unanimously. Mr. Dooley returned to his seat on the Board.

ISLAND POND ROAD/ FRANCIS KEREPKA/ANR PLAN:

Ron Close, Registered Professional Engineer represented the petitioner and presented an ANR plan showing 2 proposed lots that meet the frontage and area requirements. Lot 3-59-1 has 175 feet of frontage with 1.35 acres and Lot 3-59-2 has 180.47 feet of frontage with 1.45 acres. Mr. Close noted the Town line will become the property line on the most northerly part of the lot and a survey was done that ties in the stone bound at Leblanc Road and Island Pond Road with the stone bound on Jericho Road. Mr. Greene stated the lots meet the frontage and area requirements for the R1 zone. Chairman Pease agreed.

Hearing no further questions, Mr. Greene motioned to approve the ANR plan based on the recommendation of the Engineering Department. Mr. Nangle seconded. Motion passed unanimously.

PLANNING BOARD MEETING – October 12, 2016

29 PRIMROSE HILL ROAD/LEO BOULE'/LOT LINE ADJUSTMENT:

Leo Boule' of 15 Primrose Hill Road appeared before the Board seeking approval of a lot line adjustment plan between his property and his mother's estate at 29 Primrose Hill Road. The frontage of each lot is not changing, however; Parcel A shown as 7,209 square feet will be added to Lot A to create new Lot A-1. Mr. Greene asked if Mr. Boule' owns both lots. Mr. Boule' indicated he is the Trustee of his mother's property and prior to selling it, he wanted to adjust the property line to continue farming his great-grandmother's garden.

Mr. Greene motioned to approve the lot line adjustment plan as the lots meet the requirements for frontage and area. Mr. Dooley seconded. Motion passed unanimously.

RECOMMENDATION FOR THE ACCEPTANCE OF THE FOLLOWING STREET Smith Farm Way/Mark & Anna Corey

Mark Corey of 215 Jones Avenue stated the street is complete and all the paperwork has been submitted for acceptance. Chairman Pease asked for some input from Mr. Hamel and Mr. Patenaude. Mr. Hamel stated a final inspection has not been done yet. Chairman Pease inquired if it will be done before the next meeting. Mr. Hamel has attempted to contact the owner by phone and email to schedule the inspection, but has not heard from him. Mr. Corey stated he has not received any messages. Chairman Pease recommended setting up the appointment now. Mr. Hamel suggested Monday at 9:00 a.m. at the site and noted the manhole covers will have to be lifted in order to verify the drainage infrastructure. Mr. Corey agreed to meet on site.

Mr. Greene motioned to continue this matter to the October 26th meeting. Mr. Nangle seconded. Motion passed unanimously.

RECOMMENDATION FOR THE ABANDONMENT OF FOLLOWING STREETS A portion of Fuller Avenue/Cameron Bosnic

Chairman Pease asked if anyone was in attendance to present this proposed abandonment. Nobody came forward to speak on this matter. Chairman Pease stated Mr. Patenaude submitted a letter, as follows:

I recommend that the town does not abandon this portion of Fuller Ave. If we abandon this we give up access rights and easements for future sewer and water expansion if needed. I don't think it will ever be developed for roadway.

Chairman Pease added the Fire Chief also provided a letter, which indicates he has no issue with the abandonment. Mr. Hamel mentioned that initially the abandonment was shown as the beginning portion of Fuller Avenue, however; it is for the northerly portion and Engineering has no issue with it, but would like to reserve the right to access, if necessary. Ms. Ware stated that at the Selectmen's meeting there was some confusion about what is being abandoned, the ownership and who has rights to it. Mr. Nangle asked if Town Counsel provided an opinion. Ms. Ware indicated he did not.

PLANNING BOARD MEETING – October 12, 2016

Mr. Nangle motioned to table this matter to the October 26th meeting. Mr. Greene seconded for discussion and asked Ms. Ware to contact Town Counsel for his opinion on this. Motion passed unanimously.

An Easement on East Richardson Road/Catherine Muriithi

Chairman Pease asked if anyone was in attendance to present this proposed abandonment. Nobody came forward to speak on this matter. Chairman Pease stated a letter was submitted by Mr. Patenaude, who recommended not to abandon this easement. Mr. Patenaude added it provides access to the detention pond. Ms. Ware noted it was originally a roadway as part of the golf course development, then it was reverted to an easement to maintain the detention pond and would not recommend abandoning it.

Mr. Greene motioned to recommend not abandoning the easement on East Richardson Road based on the input from the Town Planner, DPW Director and Engineering Department. Mr. Dooley seconded. Motion passed unanimously.

For the record, Chairman Pease opened the hearing and read aloud the Legal Notice for the Town Meeting Articles, which were advertised in the Lowell Sun on Wednesday, September 28, 2016 and again on Wednesday, October 5, 2016. Chairman Pease informed those in attendance that the Board gives a recommendation to Selectmen and any action on the proposed Articles takes place at Town Meeting.

TOWN MEETING ARTICLES/VOTER PETITIONS/PUBLIC HEARINGS:

Amend Zoning Bylaw Sect. 3.11.51/To Allow Electronic Illuminated Signs in All Business Districts

Attorney Joseph Clermont appeared before the Board on behalf of Mike Lenzi of the Tavern Restaurant and Lenzi's Banquet & Function Hall, who submitted a voter petition for Article #13 seeking an amendment to the Zoning Bylaws to allow electronic illuminated signs in all business districts. Attorney Clermont stated the only electronic sign in Town is at the High School, which received an exemption. The proposed amendment to allow electronic signs would be subject to the following:

- a. No moving display or animation of any kind shall be allowed.*
- b. Brightness & intensity shall not be greater than necessary.*
- c. Light sources shall be shielded from all adjacent buildings and streets.*
- d. The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs*
- e. All electronic signs shall require a permit from the Building Inspector.*

The current technology allows electronic signs to be aesthetically appealing without being a distraction and for a business like Lenzi's, the sign will change to welcome different groups, but would not change often. Attorney Clermont further mentioned that an electronic sign can be beneficial to a community for Amber Alerts and other emergency type messages.

PLANNING BOARD MEETING – October 12, 2016

In discussion, Chairman Pease questioned whether the proposed amendment replaces Section 3.11.51, items 1, 2 & 3. Attorney Clermont stated it would be in addition to. For clarification, Ms. Ware noted there were some revisions to the language for some of the Articles and in this case, there will be #4 added along with items a, b, c, d and e. Mr. Greene asked if the number of times the sign will change has been addressed. Attorney Clermont stated it has not been addressed with this Article although he is aware it was raised at the Bylaw subcommittee meeting with a concern of the sign being a distraction or changing frequently. Mr. Greene added this is a Town wide change and he would not want a sign changing every 10 seconds. Attorney Clermont suggested adding an item “f” to set a specific number of changes allowed. Mr. Nangle asked if the Building Inspector would be approving the illuminated signs. Attorney Clermont confirmed the Building Inspector would be issuing the permit.

Chairman Pease asked if anyone in attendance wanted to speak on this proposed article. Nobody came forward to speak for or against this matter.

Mr. Greene motioned to recommend approval of amending Section 3.11.51 with the stipulation that the changing of the sign will not exceed four times per day and asked if Attorney Clermont will amend this article at Town Meeting. Attorney Clermont agreed to this change. Mr. Nangle seconded. Motion passed unanimously.

Amend Zoning Bylaw Sect. 2.11.30 & 2.11.50/To Allow Assisted Living Facilities and Accessory Uses in B4 Zone

Attorney Maurice Mason represented the voter petition in amending Section 2.11.30 and 2.11.50 to add Assisted Living Facilities and Accessory Uses in the B4 business district with a special permit from the Planning Board. Attorney Mason stated this change will allow the bylaw to be more flexible and given the current demographics, these types of facilities are becoming more common than ever before. Mr. Greene mentioned the B4 zone is a very limited area along Bridge Street and these facilities are currently allowed in the B3 zone. Ms. Ware noted the B4 zone is located slightly south of Avis Avenue and then northerly to the state line.

Chairman Pease asked if anyone in attendance wanted to speak on this proposed article. Nobody came forward to speak for or against this matter.

Mr. Greene motioned to recommend approval to amend Zoning Bylaw Section 2.1.30 & 2.11.50. Mr. Nangle seconded. Motion passed unanimously.

Amend Zoning Bylaw Sect. 2.12.60/Delete Dimensional Relief for Affordable Housing

Ms. Ware stated this Bylaw was adopted in 2002 with the idea that this would be to allow affordable housing on small lots, however; since that time there has only been one applicant for a special permit and there was some confusion with the requirements. The applicant withdrew as he wanted to build a \$300,000 house on the undersized lot.

PLANNING BOARD MEETING – October 12, 2016

Ms. Ware added this Bylaw would have only allowed the sale of the lot and house to be \$165,000 and in discussing it with the housing agencies, it would be difficult to monitor. In Ms. Ware's opinion, it is best to delete the bylaw in order to avoid further confusion.

Chairman Pease asked if anyone in attendance wanted to speak on this proposed article. Nobody came forward to speak for or against this matter.

Mr. Greene motioned to recommend approval to delete Section 2.12.60/Dimensional Relief for Affordable Housing in its entirety. Mr. Dooley seconded. Motion passed unanimously.

Amend Zoning Bylaw to Change Special Permit Granting Authority for Fast Food Facilities from Board of Selectmen to Planning Board

Ms. Ware stated that in reviewing the Bylaws, she found that the Planning Board was the Special Permit Granting Authority for new buildings over 5,000 square feet and then if an applicant wanted a drive-thru, a Special Permit was needed from the Selectmen. Since Mass General Laws allow about six months for issuance of permits; this amendment would expedite the permitting process and keep it with one Board.

Chairman Pease asked if anyone in attendance wanted to speak on this proposed article. Nobody came forward to speak for or against this matter.

Mr. Greene motioned to recommend approval of amending the Zoning Bylaw to change the special permit for fast food restaurants from Selectmen to Planning Board. Mr. Dooley seconded. Motion passed unanimously.

Amend Zoning Bylaw Sect. 2.11.50/Home Occupation Bylaw (To Add Clarity & Additional Requirements)

Dan McLaughlin the Building Inspector appeared before the Board to amend Section 2.11.50 regarding Home Occupations with an attempt to update the bylaw and make it more aligned with the surrounding communities. The proposed language will add some clarity and flexibility. Mr. McLaughlin mentioned item 3, as follows:

There is no exterior indication, including but not limited to visual or auditory, that the dwelling is used for anything other than residential purposes.

Ms. Ware added there was discussion relative to delivery vehicles for a home business, so the following language was included:

Delivery traffic may not exceed that expected for a normal residential use.

Chairman Pease asked if anyone in attendance wanted to speak on this proposed article. Nobody came forward to speak for or against this matter.

PLANNING BOARD MEETING – October 12, 2016

Mr. Greene stated the existing Home Occupation Bylaw is quite restrictive and does not believe business should creep into the residential area. Chairman Pease asked if this is a regular occurrence. Mr. McLaughlin indicated it is, as a number of residents work full time at a job during the week and on weekends want to do some side work, but need to register their business and are unable to do so in Town. Furthermore, Mr. McLaughlin recognizes that businesses are not supposed to operate in residential zones, but as a practical matter; this Bylaw would be beneficial in enforcing home businesses. Chairman Pease inquired if the current Bylaw is only one sentence, which Mr. McLaughlin confirmed. Chairman Pease did not find this Bylaw to be an expansion of the business zone and feels it gives more clarity for the Building Inspector to make a determination. Mr. Dooley asked if Mr. McLaughlin has frequent complaints of home businesses. Mr. McLaughlin indicated he receives several per week and some are harmless, but this Bylaw would be specific to what is allowed.

Mr. Greene motioned to recommend dismissal of the Home Occupation Bylaw. There was no second. Mr. Dooley asked if this could be tabled to the next meeting for further review. Chairman Pease indicated this is a public hearing and it would need to remain open for that to happen. Mr. Nangle motioned to give no recommendation. Mr. Greene seconded. Motion passed by a majority vote (3-1). Chairman Pease opposed.

Rezone 112 Sladen Street from B2 Business to R3 Residential

Philippe Thibault presented the proposed zoning change, which was the former site of the Goodhue School and approximately 30 years ago the Town disposed of the property. The property was then zoned business and operated as a day care for several years. Mr. Thibault stated the property has been vacant for a few years and the owner has had no success in renting the building for business, however; there has been some interest in residential apartment rentals. Mr. Greene felt it was a logical extension of the R3 zone and asked if the lot is 17,000 square feet. Mr. Thibault confirmed it is a small lot and there are a number of items to be addressed before it could be rental property, which includes a special permit from the Planning Board. Mr. Greene noted that multi-family requires 5 acres. Mr. Thibault agreed and indicated a variance would be needed from the Zoning Board of Appeals.

Chairman Pease asked if anyone in attendance wanted to speak on this proposed article. Nobody came forward to speak for or against this matter.

Mr. Greene motioned to recommend the zoning change for 112 Sladen Street from B2 to R3. Mr. Nangle seconded. Motion passed unanimously.

Amend Zoning Bylaw Sect. 2.11.30/Table of Permitted Uses to Allow Museum Use in Business & Industrial Zone District

Amend Sect. 2.11.43/Add Definition of Museums

Amend Sect. 3.10.24/Table of Off-Street Parking Requirements

PLANNING BOARD MEETING – October 12, 2016

Attorney Michael Fadden appeared before the Board seeking to amend the Zoning Bylaws to add the Museum use and proposed this article on behalf of Charlie Beaulieu, owner of the property formerly known as Congress Technical Spray at 401 Broadway Road in the industrial zone, which he purchased a couple years back. In review, Attorney Fadden stated Mr. Beaulieu collects automobiles and has 45 to 55 vintage automobiles that date back to the 1900's up to the 60's and 70's, which are stored at this location. The storage of the vehicles occupies about 17,000 square feet of the 20,000 square foot building and Mr. Beaulieu would like to have an automobile museum. Attorney Fadden noted in pursuing this proposal, it was found that a museum use was not permitted in Town other than in the Town Center Overlay District and in discussing this with Town staff, it was decided to seek the use in the business and industrial zones. It was mentioned a concern for parking and the proposed article will look for one space per 1,000 square feet of gross floor area.

Chairman Pease asked if anyone in attendance wanted to speak on this proposed article. Nobody came forward to speak for or against this matter.

Ms. Ware inquired how parking would be impacted if a special event or function was held. Mr. Beaulieu does not intend on having anything like that other than the grand opening, but he is certain the Church across the street would allow him to use their parking if necessary. Mr. Greene believes this is a welcome addition to the Town, however; this is a Town wide zoning change and questioned if the parking is sufficient. Attorney Fadden referred to other municipalities that have similar parking criteria. Mr. Dooley questioned the width of the parking spaces. Mr. McLaughlin noted regulations require 10-feet. Attorney Fadden was confident there is ample parking.

Mr. Dooley motioned to recommend approval to amend the Zoning Bylaws to include the Museum use. Mr. Nangle seconded. Motion passed unanimously.

Rezone 60 & 68 Loon Hill Road from R1 Residential to R3 Residential

Attorney Michael Fadden informed the Board that both of these proposed zoning changings will be withdrawn from Town Meeting. Ms. Ware added there was some concern with this being spot zoning and with the intersection improvements at Broadway and Loon Hill; it would be more logical for these properties to be business zoned.

Chairman Pease asked if anyone in attendance wanted to speak on these proposed articles. Nobody came forward to speak for or against this matter.

Mr. Greene motioned to recommend dismissal of the proposed rezoning of 60 Loon Hill Road. Mr. Nangle seconded. Motion passed unanimously. Mr. Greene motioned to recommend dismissal of the proposed rezoning of 68 Loon Hill Road. Mr. Nangle seconded. Motion passed unanimously.

PLANNING BOARD MEETING – October 12, 2016

Amend Zoning Bylaw Sect. 4.12.30/Add Paragraph & Language

Attorney Michael Fadden represented Michael Kuenzler, the petitioner, who is seeking to provide a greater variety of housing options on age restricted units. The current Bylaw only allows triplex units and in marketing the proposed development at 324 Broadway, the preferred layout is single or two-unit housing options. Attorney Fadden added this does not change the density allowed on the site and the project will still require a special permit from the Planning Board. In the case of 324 Broadway, the applicant will have to come back to the Board to reconfigure the units and will actually be losing a unit, but it will be a much better project.

Chairman Pease asked if anyone in attendance wanted to speak on these proposed articles. Nobody came forward to speak for or against this matter.

Mr. Greene asked if the owner is required to reside in the unit or could it be rented. Attorney Fadden stated the Board has the authority to specify the requirements and the condominium documents are submitted to staff and Town Counsel for review. Mike Wakeen, the developer stated the age restriction is 55 and older. Attorney Fadden added that if an owner rents out their unit the renter must be 55 or older.

Mr. Nangle motioned to recommend approval to amend Zoning Bylaw Section 4.12.30. Mr. Dooley seconded. Motion passed unanimously.

Mr. Nangle motioned to close the hearing. Mr. Dooley seconded. Motion passed unanimously.


NEW BUSINESS:

November & December Schedule


It was the consensus of the Board to hold one meeting in November on the 9th and in December the Board will meet on the 14th and decide on the 28th at a later date.

ADJOURNMENT: Mr. Nangle motioned to adjourn at 8:40 p.m. Mr. Dooley seconded. Motion passed unanimously.


THE DRACUT PLANNING BOARD



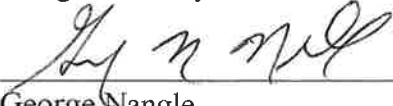
 Mark Pease, Chairman



 Philip Greene



 Douglas Dooley



 George Nangle

/lw